

## **REMARKS**

In the Office Action the Examiner noted that claims 1-11 were pending in the application and the Examiner rejected claims 1-8 and 11 while allowing claims 9 and 10. By this Amendment, various claims have been amended, claims 11 has been cancelled and new claim 12 has been added. Thus, claims 1-10 and 12 are pending in the application. The Examiner's rejections are traversed below.

### **The Title**

In item 6 on page 2 of the Office Action the Examiner objected to the title. A new title has been submitted by way of this Amendment.

### **Rejection of Claims 2-4 under 35 U. S. C. § 112, First Paragraph**

In item 8 on page 2 of the Office Action the Examiner rejected claims 2-4 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. In particular, the Examiner took the position that the specification lacks a written description for the recitation of "restriction data".

It is submitted that the term "restriction data" is fully supported by the specification. See for example, paragraphs 149-151 which explain that an expiration date and time are set for information to be delivered and thus restrict delivery of the information.

In summary, it is submitted that claims 2-4 meet the requirements of 35 U.S.C. 112.

### **Rejection of Claims 1-6 under 35 U. S. C. § 112, Second Paragraph**

In items 10 and 11 on page 3 of the Office Action the Examiner rejected claims 1-6 under 35 U.S.C. 112, second paragraph on the basis that the use of the phrase "means for" is unclear. By this Amendment, the "means" language has been removed from claims 1-6 to clarify that the applicant does not wish to have the claim recitations treated under 35 U.S.C. 112, sixth paragraph.

It is submitted that claims 1-6 as amended meet the requirements of 35 U.S.C. 112.

### **The Prior Art Rejections**

In the Office Action, claim 11 was rejected as unpatentable over the prior art. Claim 11 has been cancelled.

### **New Claim 12**

New claim 12 is directed to an apparatus to deliver information to a plurality of user terminals which includes:

- a storage; and
- a processor which performs processes, including:
  - receiving information from a user terminal,
  - obtaining identification information identifying a user terminal to which the information is to be delivered, and an index assigned to the information,
  - obtaining profile information from a user terminal requiring delivery of the information,
  - storing, on the storage, the profile information according to the identification information at each index,
  - receiving updated information updating the information, and
  - determining an order of a plurality of the user terminals to receive information assigned at each index for delivering the updated information when the information is updated, the updated information being delivered according to the order.

Therefore, it is submitted that claim 12 patentably distinguishes over the relied upon art.

### **SUMMARY**

It is submitted that none of the references, either taken alone or in combination, teach the present claimed invention. Thus, claims 1-10 and 12 are deemed to be in a condition suitable for allowance. Reconsideration of the claims and an early of Notice of Allowance are earnestly solicited.

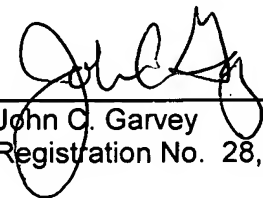
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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By:   
John C. Garvey  
Registration No. 28,607

1201 New York Avenue, N.W., 7th Floor  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501